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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HAMMONDS, MARCUS C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,321	Applicant(s) BRASS ET AL.	
	Examiner MARCUS HAMMONDS	Art Unit 4145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/08/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the applicants' communication filed on January 08, 2007. In virtue of this communication, claims 1-14 are currently presented in the instant application.

Drawings

2. The drawings submitted on May 16, 2006 have been reviewed and accepted by the examiner.

Priority

3. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The Information Disclosure Statement (IDS) Form-PTO-1449, filed on June 08, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosed therein was considered by the examiner.

Claim Objections

5. Claims **1, 3-5, 7-14** are objected to because of the following informalities:

Claim 1: "text-and/or" is improperly hyphenated, i.e. text and/or. Placing "(short message)" within parenthesis renders it for use of laboring purposes only and without definition in the claim limitation.

Claim 3: "SM MT" is an abbreviation meant for use of laboring purposes and therefore should be placed within parenthesis, i.e. short message - mobile terminated (SM-MT).

Claim 4: The language "any of" and "claims" refers to dependency of multiple claims and therefore must be removed (The method according to claim 1...). Also abbreviations "SM," "PtP," "SMS," and "cs" must be fully expressed in the claims before using it in abbreviated form i.e. short message (SM) and Point-to-Point (PtP).

Claim 5: "SM MO" is an abbreviation meant for use of laboring purposes and therefore should be placed within parenthesis, i.e. short message - mobile originated (SM-MO). The abbreviation "SM" must be fully expressed in the claims before using it in abbreviated form i.e. short message (SM).

Claim 7: The abbreviation "SM" must be fully expressed in the claims before using it in abbreviated form i.e. short message (SM).

Claim 8: The language "any of" and "claims" refers to dependency of multiple claims and therefore must be removed (The method according to claim 1...). Also abbreviations "MS" and "SM" must be fully expressed in the claims before using it in abbreviated form i.e. mobile station (MS) and short message (SM).

Claim 9: The language "any of" and "claims" refers to dependency of multiple claims and therefore must be removed (The method according to claim 1...). Also abbreviations "SME," "SC," "SM," "VGC," "GCR," "MSC," and "BSS" must be fully expressed in the claims before using it in abbreviated form i.e. short message (SM) and Voice Group Call (VGC).

Claim 10: "SCCP" is an abbreviation meant for use of laboring purposes and therefore should be placed within parenthesis, i.e. signaling connection control part (SCCP). Also abbreviations "SM," "SAACH," "MSC," "PtP," "SMS," "MSISDN," and "VGC," must be fully

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expressed in the claims before using it in abbreviated form i.e. short message (SM) and slow associated control channel (SACCH).

Claim 11: Abbreviations "MSISDN," "SM," "SC," "PtP," and "SMS" must be fully expressed in the claims before using it in abbreviated form i.e. service center (SC) and short message (SM).

Claim 12: Abbreviations "VGC" and "SM" must be fully expressed in the claims before using it in abbreviated form i.e. "voice group call (VGC) or short message (SM).

Claim 13: "text-and/or" is improperly hyphenated, i.e. text and/or.

Claim 14: "text-and/or" is improperly hyphenated, i.e. text and/or. "SM" is an abbreviation meant for use of laboring purposes and therefore should be placed within parenthesis, i.e. short message (SM).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims **2, 4, 5, 7-12** recite the limitation "**...the...**" as exemplified in:

Claim 2: "...the message..."

Claim 4: "...the SM..."

Claim 5: "...the SM...the network..."

Claim 7: "...the SM..."

Claim 8: "...the MS...the uplink...the SM...the network..."

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Claim 9: "...the network...the SC...the members...the GCR...the routing information...the SM..."

Claim 10: "...the respective uplink-channel...the resource...the MSC analogue..."

Claim 11: "...the SM...the SC..."

Claim 12: "...the SM...the described procedures."

There is insufficient antecedent basis for this limitation in the claims.

8. The term "**the described procedures**" in **claim 12** is a relative term which renders the claim indefinite. The term "the described procedures" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

For purposes of this office action the examiner will read "**the described procedures**" to mean **point-to-point short messaging**.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims **1, 3-5, 7, 9, and 12-14** are rejected under 35 U.S.C. 102(b) as being anticipated by **Sanders, III et al. (Patent No.: US 6,138,001)**.

As of claim 1: the limitation "method for transmitting text - and/or binary information (short message) in addition to voice information for a talker (if present) and at least one listener of a Voice Group Call, characterized by sending a special, dedicated signal to all listeners and to the talker" (see **Sanders, III et al., column 7, lines 10-27 and figure 1**, which show a method of facilitating group voice communication as well as group short message services to the target devices (107-110) from the originating communication device (111). The originating communication device transmitting short messages to the target devices embodies the sending of a special, dedicated signal).

As of claim 3: the limitation "The method according to claim 1, wherein the special dedicated signal is a short message mobile terminated SM MT" (see **Sanders, III et al., column 7, lines 10-27 and figure 1**, which explain establishing communication links from the originating mobile device through the communication network to the target devices and the network capable of transmitting a short message to the target devices).

As of claim 4: the limitation "The method according to any of claim 1, wherein the SM follows the structure of a regular PtP-SMS in parallel to an ongoing PtP-voice- or PtP-cs-datacall" (see **Sanders, III et al., column 6, lines 42-67, and column 7, lines 1-27**, explain the establishment of a full duplex dedicated communication links for the originating mobile device and each of the target mobile devices to the network, point-to-point, voice group call that additionally facilitates short message service on full duplex data communication links).

As of claim 5: the limitation "The method according to claim 1, wherein the SM is send from the current talker to the network in form of a short message mobile originated SM MO" (see **Sanders, III et al., column 7, lines 10-27 and figure 1**, which explain establishing

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communication links from the originating mobile device through the communication network to the target mobile devices and transmitting a short message to the network from the originating mobile device).

As of claim 7: the limitation “The method according to claim 1, wherein the SM will be addressed by an associated Voice Group Call reference” (see **Sanders, III et al., column 2, lines 55-63, and column 7, lines 10-27 and figure 1**, which explain dispatch related information for the talk group including a talk group affiliation for the originating communication device and using this information to identify the target devices to establish the communication links necessary for transmission of the short message).

As of claim 9: the limitation “The method according to any of claim 1, wherein a SME in the network requests the SC to send a SM to the members of a VGC, the SC interrogates the GCR in order to retrieve the routing information of an Anchor-MSC for this VGC, the SC forwards the SM to the appointed Anchor-MSC for this VGC, the Anchor-MSC itself forward the SM to all base station subsystems BSS partaking in the VGC and in addition to all Relay-MSCs, the Relay-MSCs send the SM to all respective BSS for this VGC, which transmit it to the listeners” (see **Sanders, II et al., column 7, lines 10-27, column 3, lines 6-67, column 4, lines 1-65 and figure 1**, which explain an originating mobile device (111), a SMS processor (120) functioning as a short message service center (SC), a Database (105) functioning as a memory for the GCR, a Dispatch Controller (103) functioning an Anchor-MSC, a MSC (118) and a SSP (125) functioning as Relay-MSCs, a BSC (116) and Base Site (113 and 114) functioning as a base station subsystem (BSS), and target mobile devices (107-110). Sanders, III et al. dispatch communication system sends a short message (SM) from the originating mobile device through

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the BSS to the MSC which provides the SM to the SMS processor. The SMS processor will need to be provided the routing information from the database for proper routing when forwarding the SM to the dispatch controller. The dispatch controller will send the SM through the SSP to the corresponding BSC and Base Site for delivery to each target device).

Regarding claim 12 has limitations similar to those treated in the above rejection(s) and are met by the references as discussed in claims 4 and 7 above.

As of claim 13: the limitation "a mobile communication system with at least one logical unit for controlling signal exchange between the members of a Voice Call Group and with additional functional processing means for transmitting text-and/or binary information to one or more users of the Voice Group" (see **Sanders, III et al., column 7, lines 10-27, and figure 1**. Figure 1 shows a communication system with at least one logical unit for controlling signal exchange, a dispatch controller (103), between the originating communication device (111) and the target devices (107-110). Column 7, lines 10-27, express the ability of the communication system to process a transmitted short messages to the target devices of the group call).

As of claim 14: the limitation "A mobile communication system according to claim 13, wherein the text- and/or binary information is a short message SM" (see **Sanders, III et al., column 7, lines 10-27**, which explain the group short message service).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims **2 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders, III et al. as applied to claims 1, 3-5, 7, 9, and 12-14 above, and further in view of **Laumen et al. (Pub No.: US 2003/0109269 A1)**.

As of claim 2: Sanders, III et al. does not explicitly teach the limitation "The Method according to claim 1, wherein the message is sent in unacknowledged mode." However, attention is directed to **Laumen et al. who teaches in paragraphs [0045-0053]** a method for transmitting MMS messages such as text messages which send a delivery report with a confirmation acknowledgement or negative confirmation acknowledgement from the network.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders, III et al invention to employ the limitation the message is sent in unacknowledged mode as taught by Laumen et al. with motivation from **Laumen et al. in paragraph [0029-0030]** to be sure that the sent message was successful or unsuccessful.

Regarding claim 6 has limitations similar to those treated in the above rejection(s) and are met by the references as discussed in claim 2 above.

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14. Claim **8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders, III et al. as applied to claims 1, 3-5, 7, 9, and 12-14 above, and further in view of **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2”**.

As of claim **8**: Sanders, III et al. does not explicitly teach the limitation “The method according to any of claim 1, wherein, if the current talker is sending a SM and during the sending the talker intends to end his speaking, the MS will hold the uplink until the SM is sent completely to the network.” However, attention is directed to **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2”** who teaches in Section 4.2.2.1 and 11.5 Uplink Management, a voice group call with an uplink that that is only accessible by one user at any one time and it is release only upon reception of an uplink release message at the anchor mobile switching center from a base station controller. Thus, the current talker has exclusive access to the uplink channel while communicating to the network and the other target devices on the voice group call must wait for the uplink to become free;

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders, III et al. invention to employ the limitation if the current talker is sending a SM and during the sending the talker intends to end his speaking, the MS will hold the uplink until the SM is sent completely to the network as taught by **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2”** with motivation from **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2”** in section 4.2.2.1 to mute the downlink channel and allow the user to trigger the release of the uplink channel.

15. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders, III et al. as applied to claim 1 above, and further in view of **Houplain (Pub. No.: US 2003/0003953 A1)**.

As of claim 11: Sanders, III et al. does not explicitly teach the limitation "The method according to claim 1, wherein, by using the MSISDN the SM is forwarded to the SC and there it is handled according to normal PtP-SM." However, attention is directed to **Houplain who teaches in paragraph [0007]** under point-to-point protocol a short message sent from an originating mobile device and forwarded to the short message service center with a specific MSISDN for a specific multi user chat room;

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders et al invention to employ the limitation by using the MSISDN, the SM is forwarded to the SC and there it is handled according to normal PtP-SM as taught by Houplain with motivation from **Houplain in paragraph [0006]** to permit a subscriber to send messages to multiple subscribers and to receive messages from multiple subscribers in a group chat.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pub. No.: US 2003/0100326 A1 to Grube et al. who teaches group location and route sharing system for communication units in a trunked communication system. (see paragraph 0031-0033)

Contact Information

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS HAMMONDS whose telephone number is (571) 270-3193. The examiner can normally be reached on Monday-Thursday 8:30AM-6:00PM and 2nd Friday 7:30AM-4:00PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abul Azad can be reached on 571-272-7599. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARCUS HAMMONDS/
Examiner
Art Unit 4145

/KENT CHANG/
Supervisory Patent Examiner, Art Unit 4145